

## JOHN H. PIKE, and IMMACOLATA PIKE,

Plaintiff,

V.

WELLS FARGO BANK, N.A., and FUNC  
HOLDINGS, INC.,

Defendants.

**JUDGMENT IN A  
CIVIL CASE  
CASE NO. 7:20-CV-00219-M**

**Decision by Court.** This action came before this Court for ruling as follows.

**IT IS ORDERED, ADJUDGED, AND DECREED** that on June 15, 2021, Defendants' Motion to Dismiss [DE-13] is **GRANTED IN PART AND DENIED IN PART**. Two causes of action in the Complaint, as alleged, fail to state a claim upon which relief may be granted (count one and count three). This leaves one claim intact, count two: negligent misrepresentation.

IT IS FURTHER ORDERED, AND DECREED that the court holds that the Pikes' negligent misrepresentation claim can also be decided as a matter of law. The Pikes must adequately allege justified reliance to state a claim. They have not done so. Thus, the court GRANTS Wells Fargo's motion for judgment on the pleadings [DE 41] and DISMISSES WITHOUT PREJUDICE the Pikes' negligent misrepresentation claim.

**This Judgment Filed and Entered on April 21, 2022, and Copies To:**

John H. Pike

(via CM/ECF electronic notification)

Baxter Chad Ewing

(via CM/ECF electronic notification)

DATE:

April 21, 2022

PETER A. MOORE, JR., CLERK

(By) /s/ Nicole Sellers

Deputy Clerk